

AMENDED IN SENATE JULY 12, 2011

AMENDED IN ASSEMBLY MAY 9, 2011

AMENDED IN ASSEMBLY APRIL 12, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 636

Introduced by Assembly Member Knight
(Coauthor: Assembly Member Beth Gaines)

February 16, 2011

An act to amend Section 824 of the Military and Veterans Code, relating to military service.

LEGISLATIVE COUNSEL'S DIGEST

AB 636, as amended, Knight. Military service: benefits.

Existing law provides certain protections for members of the National Guard ordered into active state service by the Governor or active federal service by the President of the United States for emergency purposes, and for reservists called to active duty, as specified, including requiring that specified institutions that grant a student a military leave of absence make arrangements to reasonably accommodate and assist the student in meeting coursework requirements missed due to military service, credit the student's tuition and fee charges toward a subsequent academic term, or grant a refund of tuition and fees paid by the student for the academic term provided the student withdraws from the institution by a specified date, at the student's election.

This bill would revise the conditions for a tuition and fees refund to remove the requirement of the student's withdrawal by a specified date. The bill would also require any refund toward a subsequent academic term to be equal to 100% of the tuition and fees paid to the institution

for the subsequent academic term in which the student was required to report for military service, and would provide that the subsequent term not be less than or exceed the missed term. The bill would also provide that if an accommodation cannot be reached, the institution must refund tuition and funds, as specified *regardless of whether the student was called to military service before the academic term had commenced or after the academic term had commenced.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 824 of the Military and Veterans Code
2 is amended to read:

3 824. (a) If requested by a student granted an academic leave
4 of absence for military service, not later than one year after the
5 student's release from military service, other than a dishonorable
6 release, the institution in which the student is enrolled shall do one
7 of the following, as elected by the student:

8 (1) ~~(A)~~ The institution shall make arrangements to reasonably
9 accommodate and assist the student so that he or she is able to
10 meet any and all coursework requirements that he or she may have
11 missed due to military service.

12 ~~(B) If an accommodation cannot be reached, the institution shall~~
13 ~~refund tuition and fees paid for the academic term in which the~~
14 ~~student is required to report for military service. The refund shall~~
15 ~~equal 100 percent of the tuition and fee charges the student paid~~
16 ~~the institution for the academic term.~~

17 ~~(2) The institution shall refund tuition and fee charges in an~~
18 ~~amount that is equal to 100 percent of what the student paid the~~
19 ~~institution for the subsequent academic term in which the student~~
20 ~~was required to report for military service.~~

21 *(2) The institution shall refund the tuition and fees paid by the*
22 *student for the academic term in which the student is required to*
23 *report for military service regardless of whether the student was*
24 *called to military service before the academic term had commenced*
25 *or after the academic term had commenced. The refund shall equal*
26 *100 percent of the tuition and fee charges the student paid the*
27 *institution for the applicable academic term.*

1 (b) If requested by a student granted an academic leave of
2 absence for military service, not later than one year after the
3 student's release from military service, other than a dishonorable
4 release, the institution shall restore the student to the educational
5 status the student had attained prior to being called to military
6 service without loss of academic credits earned, scholarships or
7 grants awarded, or tuition and other fees paid prior to the
8 commencement of military service.

9 (c) If an institution fails to comply with this section, the student
10 may bring an action against the institution to enforce its provisions
11 in any court of competent jurisdiction of the county in which the
12 student resides. If the student resides outside of this state, the action
13 shall be brought in the court of the county in which the campus of
14 the institution previously attended by the student is located. The
15 court may award reasonable attorney's fees and expenses if the
16 student prevails in the action.

17 (d) The Legislature hereby requests that the University of
18 California adopt policies similar to those set forth in this section.

19 (e) For purposes of this section, "institution" includes any public
20 postsecondary educational institution and any private postsecondary
21 educational institution, as defined in Section 94858 of the
22 Education Code.